

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 3-12, 14-20, 22-26, 28 and 30 are pending in this application.

Claims 20 and 22-25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 3-12, 14-20, 22-26, 28 and 30 were rejected under 35 U.S.C. §103(a) as being considered unpatentable over U.S. Patent No. 6,356,965 issued to Broyles et al (hereinafter referred to as "Broyles").

No claims have been cancelled.

No claims have been added.

Claim 20 has been amended.

The forgoing amendments and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. §112 Rejection of Claims 20 and 22-25

The Examiner has rejected claims 20 and 22-25 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention due to lack of clarity in the latter part of a condition within the text of a limitation within claim 20. Claims 22-25 were rejected on the same basis as a result of depending directly from claim 20.

Applicant has determined that a typographical error prevented the full text of the unclear condition from being provided, and Applicant has amended claim 20 to correct this error. Applicant respectfully submits that with this correction, claims 20 and 22-25 are in condition for allowance.

35 U.S.C. § 103(a) Rejection of Claims 1, 3-12, 14-20, 22-26, 28 and 30

The Examiner has rejected claims 1, 3-12, 14-20, 22-26, 28 and 30 under 35 U.S.C. § 103(a) as being considered to be unpatentable over Broyles.

Regarding claims 1, 12, 20, 26 and 28 to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03). Applicant respectfully submits that Broyles does not teach or suggest all the features of Applicant's claimed invention, which recites pressing a power switch at a time when a device is turned off to turn the device on and selectively holding the power switch such that whether or not the power switch is held determines whether or not software to support an input device or setup software is loaded and then executed. In contrast, Broyles teaches the use of a hot-key that is separate from any power switch by a user prompted as to when the hot-key would be effective at a time subsequent both to the operation of any power switch and to a computer system already being powered on, to cause a change from a default boot sequence to occur. As acknowledged in the Office Action, Broyles does not teach the pressing and holding of any switch for a predetermined period of time as a condition to loading and executing software. Applicant also respectfully submits that Broyles does not teach making any use of a power switch, at all, in controlling any aspect of a computer system beyond turning a computer system on. Indeed, in Broyles, the act of turning on a computer system requires an act with either a power switch or other impetus that is entirely separate and distinct from the subsequent act of a user pressing a hot-key in response to being prompted by a computer system. Applicant further respectfully submits that Broyles does not teach the loading and execution of software support for an input device as being under the control of any condition, whether or not that condition involves a power switch or a hot-key.

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Furthermore, regarding claims 1, 12, 20, 26 and 28, in the discussion of claims 4-5, 16-17 and 22-23, the Office Action acknowledges that Broyles does not teach or suggest the pressing and holding of a switch for either a specific 3 second period of time or for a variable amount of time as recited in Applicant's claimed invention, respectively. Although the Office Action then asserts that "one of ordinary skill in the art would have been motivated to specify a period of time to hold the switch, since it is known that prior art apparatuses allow an amount of time ... to determine if firmware software is loaded..." while making reference to lines 3 and 5 of column 2 of Broyles, Applicant respectfully submits that Broyles does provide such a basis for such a motivation, because Broyles, both at the cited lines 3 and 5 of column 2, as well as throughout, teaches providing a 3 second period of time as a window of opportunity in which a user may either press hot-key, or not, if the user so desires. Providing a time-limited opportunity in which either nothing may be done or in which a hot-key may be pressed is fundamentally a different interaction between device and user than requiring a switch to be held for at least a minimum period of time, and Applicant asserts that one cannot be said to follow from the other. Also, asserting that a motivation to require the minimum period of time for a power switch to be held, as recited, arises from the teaching of allowing a time-limited opportunity in Broyles ignores the fundamentally different purposes sought to be achieved in Applicant's claimed invention and in Broyles. Applicant's claimed invention recites the conditioning of the loading of software to support an input device on the pressing and holding of a power switch for a predetermined period of time, while in contrast, Broyles teaches the provision of a time-limited opportunity in which to press a key of a keyboard to change a boot sequence.

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Regarding claims 6-11, 14-15, 18-19, 24-25 and 30, Applicant respectfully submits these claims depend, directly or indirectly, from independent claims 1, 12, 20 and 28, and therefore, incorporate all of the limitations of those independent claims, which Applicant has asserted is patentably distinguished over Broyles.

For at least these reasons, Applicant respectfully submits that claims 1, 3-12, 14-20, 22-26, 28 and 30 are patentably distinguished over Broyles, and are in condition for allowance.

Condition for Allowance

Applicant submits that all rejections have been overcome and the present application is now in condition for allowance. If there are any additional charges or shortages related to the present communication, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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